

APPROVED UTAH STATE FIRE PREVENTION BOARD
January 12, 2016 MEETING MINUTES

BOARD MEMBERS PRESENT

Vincent A. Newberg	Board Chair
Craig Humphreys	Board Vice Chair
Brian Cottam	Board Member
Rod Hammer	Board Member
Stephen Higgs	Board Member
Eric Miller	Board Member
Frank Park	Board Member
David Olsen	Board Member
Mike Phillips	Board Member
Jason Poulsen	Board Member

BOARD MEMBERS NOT PRESENT

Jared Larson	Board Member
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STAFF PRESENT

Coy Porter	State Fire Marshal
Ted Black	Chief Deputy Fire Marshal
Monica Todd	Board Secretary
Marcus Yockey	Asst. Attorney General
Mark Burton	State Fire Marshal Office
Oliver Moore	State Fire Marshal Office
Deanne Mousley	State Fire Marshal Office
Kim Passey	State Fire Marshal Office
Mike Riley	State Fire Marshal Office
Kelly Snow	State Fire Marshal Office
Bryan Thatcher	State Fire Marshal Office

PRESENT

Many members of the public and the fire service were in attendance at this meeting. The attendance log is kept with the full record of the meeting, recording and all other related paperwork.

Item #1 on the agenda, Board meeting called to order by Board Chair Vincent Newberg. The meeting started at 8:30 A.M., at the South Salt Lake City Hall, Council Chambers.

Item #2 on the agenda was approval of the November 10, 2015 Board meeting minutes. Motion made to approve minutes as written by Board Member Park, seconded by Board Vice-Chair Humphreys, motion passed unanimously.

Item #3 on the agenda was welcome to the Board Chief David Olsen of Clinton City Fire Department, representing Class 2 Counties, and Chief Rod Hammer of Cache County Fire Department, representing Class 3-6 Counties. Board Member Poulsen asked if the Board was now complete with the addition of these two Board Members. State Fire Marshal Porter stated that it was at this time and that proposed changes to the makeup of the Board would be addressed later in the meeting.

Item #4 on the agenda was a report to the Board by Gary Hodson, Council Chair, Fire Service Standards and Training Council. Mr. Hodson addressed the board and stated that the Council had not met since the previous Board meeting and stated that they were at the Board's pleasure so to please contact him or Chief Deputy Black if there was anything that the Board would like addressed in that Council.

Item #5 on the agenda was a report to the Board by Chief Scott Spencer, Chair, Utah Fire Service Certification Council. Chief Spencer addressed the Board and stated that at their meeting in November, they discussed and passed the Fire and Life Safety Educator 1 and 2 certifications to be reinstated as a new need had arisen for those certifications. They also updated the Officer 2 standard. They also changed and updated policies in order to insure the integrity of the testing and test takers to make sure no one is cheating. They also discussed raising the bar for their testing, making it more professional, higher standards, etc. Board Member Poulsen asked if they had any knowledge of the ISO remaining or going away. Chief Spencer stated that ISO is remaining and that they will be changing their procedures to be more user friendly and have more frequent visits so that the ratings will be more current. Board Chair Newberg asked if any of the standards for the certifications had been modified. Chief Spencer stated that they would now submit a portfolio of skills rather than just being tested on a few.

Item #6 on the agenda was a report to the Board by Ryan Perkins, Chair, Hazardous Materials Advisory Council. Mr. Perkins addressed the Board and stated that his Council has not met since he reported the Board last but will be meeting in about three weeks. He stated that there were a couple of vacancies on the Council, they are looking at Chief Jeff Peterson from Logan to be the full-time chief representative and Chris Martin from DEQ to fill that vacant position. Vice-Chair Humphreys proposed to skip to item #11 on the agenda as it relates to item #6. Motion made by Board Member Poulsen to approve appointment by the Board of Chief Jeff Peterson, Logan Fire Department, to the Hazardous Materials Advisory Council representing the career fire service. Motion was seconded by Board Member Higgs, motion carried unanimously.

Item #7 on the agenda was a Legislative report to the Board by Coy Porter, Utah State Fire Marshal, concerning the 2016 legislative session. Fire Marshal Porter addressed the Board and stated that he gave them a handout (a copy of which is kept with this record) listing the 2016 Legislative items concerning the Fire Service. He touched on just a few key items. He met with Rep. Dunnigan regarding HB 33 regarding Fire Prevention Board Membership amendments in order to remove the position representing a city or county representative since new positions have been added to represent counties. They are also proposing to eliminate the position held by the Labor Commissioner. If these positions are eliminated the Board will have 11 members. HB 121 and HB 125 deal with the Building Code Amendments and Fire Code Amendments, both

sponsored by Rep. Cox. Other bills that have not been numbered yet are the Fire Code Adoption sponsored by Rep. Mike Shultz and the State Construction Code Adoption which will be sponsored by Rep. Brad Wilson. The Building Code Review and Adoption Amendments will be sponsored by Rep. Wilson as well. Eventually the bills should be merged so that the Legislature will be able to vote on just one version of each bill. They are trying to work with the Home Builders Association to get a workable compromise regarding several key issues. SB 44 Construction Code amendments sponsored by Sen. Dayton is regarding a previous bill that allowed roadside fruit stands to be built without any permits as long as they were under 300 sq. ft. However once it went to committee and the House floor it was amended to 1000 sq. ft. and that's how it passed. Since then a building had been built that was at least 100 sq. ft. along with a porch/awning attached and this created issues with the building officials. Thus Sen. Dayton is proposing a bill that would increase the maximum size of these buildings from 1000 sq.ft. to 1500 sq. ft. This could cause significant problems as there are many homes that would fall under that allowance. They will continue to work with Sen. Dayton on this issue. There are several bills proposed regarding amendments regarding the use of aerial drones. These could positively and negatively impact firefighting but could also be useful in future fire investigations. Political Subdivisions' Fire Code Amendments sponsored by Rep. Paul Ray will probably be dealing with land use issues. Fire Marshal Porter suggested State Forester / Board Member Cottam address the Wildfire Mitigation Amendments sponsored by Rep. Joel Brisco and Sen. Evan Vickers since it deals directly with his Department. Board Member Cottam first addressed the issue of drones and stated that Jason Curry is tracking these issues for their division. He said that along with increased penalties for misuse of drones it will also address the ability of law enforcement to neutralize interfering drones. The Wildfire Mitigation Amendments will overhaul the division's wildfire statute in order to bring municipalities into the Wildland Fire Suppression system that we have in the state. Right now there are two conflicting statutes which includes who pays for wildfire suppression which has been a problem for years. They have worked with fire chiefs and municipalities around the state for the last two years in order to completely overhaul the statute to clarify who is responsible for what and who pays for what when it comes to suppressing fire. Marshal Porter stated that the Legislature would be starting in a couple of weeks and they are hoping that several of the bills will have been addressed fairly early on in the session. Board Member Poulsen reminded the Board and audience that Fire Caucus is on February 8th and encouraged them to attend. Fire Marshal Porter stated that the luncheon is held every year in the Hall of Governors at the State Capitol and that it is a good opportunity for members of the fire service to interact with members of the Legislature.

Item #8 on the agenda was a report to the Board by State Fire Marshal, Coy Porter, concerning the progress of acquiring land to relocate the Utah Fire and Rescue Academy. He stated that Anderson Development is in negotiations with US Steel regarding who pays for the cleanup of the property and they are not comfortable to give an option on the property until all of that is resolved. They are working with Rep. Peterson who is also a vice president at the university to maintain that communication. We will not get on the agenda at the State Board until we get the option on the property in writing from Anderson Development. They missed the deadline in order to get it in as an appropriation Bill so Rep. Peterson suggested getting some intent language or a statement filed regarding using the funds from the restricted account to purchase that land. In the meantime they are continuing to work with Anderson Development to hold the initial proposed price.

Item #9 & #10 on the agenda was consideration by the Board to recommend that service buildings, similar to buildings at the base of cell towers, not to exceed 200 square feet in area, be Classified as “U” occupancies. Also consideration by the Board to change Rule R 710-1 to allow fire extinguishers located in service vehicles to fill the requirement for fire extinguishers in service buildings, similar to buildings at the base of cell towers, not to exceed 200 square feet in area. Chief Deputy Black addressed the Board and reminded the Board that a request was made in the last meeting to address this issue by the cell phone industry. He stated that the Board could choose to do nothing about this or the Board could choose to make a recommendation to the building official that determines the occupancy ratings and/or the Board can chose to change direct the State Fire Marshal’s office to make the revision to Rule R 710-1 as stated above. Or, the Board could make a recommendation that local jurisdictions decide whether or not to count the extinguisher in the truck. Board Vice-Chair Humphreys stated that he recommends letting local jurisdictions make the decision. Board Member Miller stated that he preferred them all to be the same and that having the extinguisher on the truck should be sufficient. Motion was made by Board Vice-Chair Humphreys to direct the State Fire Marshal’s office to revise the language of Rule R 710-1 and to consult the Fire Marshal’s Association while doing so. Motion was seconded by Board Member Miller, motion carried. Chief Deputy Black stated that their office would amend the language of the rule and present it to the Board for approval.

Items #11 on the agenda was appointment by the Board of Chief Jeff Peterson, Logan Fire Department, to the Hazardous Materials Advisory Council representing the career fire service. **This item was acted on by the Board in item #6.

Item #12 on the agenda was removed.

Item #13 on the agenda was Old Business. There was no Old Business.

Item #14 on the agenda was New Business.

- Presentation to the Board by, Chief Deputy, Ted Black, Utah State Fire Marshal office, concerning various products being proposed to lock and hold open class room doors in schools. Chief Deputy Black stated that this is an ongoing issue that companies are playing on the fears of school officials of active shooters in buildings and are trying to sell them inexpensive unlisted items to block/lock or otherwise jam doors. These are not allowed by code due to necessary egress issues as well as further concerns of the potential for abuse or hostage situations. He stated that these products are being used in some schools without approval. He said that eventually some policy decision would need to be made regarding these various devices but that for now they are being told that those devices are not allowed by code. State Fire Marshal Porter stated that another key issue with these devices is cost as some of the more concerning devices are some of the least expensive.
- Townhouses being used as college dormitories. Should the Board take action on this issue? Chief Deputy Black stated that this issue was brought to his attention by Fire Marshal Shurtz from Cedar City. He stated that the difficult issue is in defining what a ‘family’ is and that these townhouses are being built under the residential code when in fact they are being used as apartments for college students. Marshal Shurtz addressed the

Board and stated that developers are using this loophole to get around some of the more stringent requirements when building apartment buildings. Board Member Phillips stated that they are seeing 'townhomes' with 6-8 bedrooms in it with little to no common space, and they look like dormitories, not homes. Additionally with the fire they encountered there was a fire on the middle floor with 3-4 bedrooms on the floor above with only one method of egress and the fire department's access to the building was hampered due to the large number of cars parked on the street from the occupants. Board Member Higgs stated that the buildings are not configured as town houses or single family dwellings. Marshal Shurtz stated that they were seeing several small bedrooms on each floor with a common bathroom on each and only a small living space on the first floor. He stated that they were dividing the 4 to 8-plex buildings with a fire rated assembly and then calling that individual section of that building a townhome. Board Member Phillips said that in consulting their attorney the real issue became in defining a 'family'. Board Member Miller asked whether the issue should be addressed by the zoning department. Board Chair Newberg said that he agrees with Board Member Miller and that zoning as well as ownership and consistent definitions of 'family' dwellings may be the mechanisms they can use to address this issue. Board Member Phillips said that one owner is allowed to own all of the lots. Board Vice-Chair stated that he knew of at least 5 of these that had been built near the University of Utah campus. Board Member Miller stated that typically the zoning departments have a definition that they consider as a 'family'. State Fire Marshal Porter stated that in Provo they created a 'Rental License Ordinance'. This way, if you rent out your property you have to have a business license which requires them to meet a number of additional compliance items as a 'rental business'. He stated that it wasn't really a state-wide issue, just mainly an issue for those communities that have colleges/universities. Dave Powers from South Davis Metro Fire addressed the Board and stated that some restricted covenants that are put on these developments require that they be owner-occupied – so if you require some percentage of those buildings to be owner occupied in the initial approval phase that may solve some of these problems. State Fire Marshal Porter stated that they tried that approach in Provo but they would use/abuse that regulation by assigning each college student 1% ownership, so it didn't work and they had to go back and make that requirement even more restrictive. Chief Deputy Black stated that if the Board wished they could draft some language to make recommendations to the Building Code Officials regarding this issue. No action was taken at this time.

Item #15 on the agenda was that the next Board Meeting will be March 8, 2016, beginning 8:30 A.M., South Salt Lake City Hall, Council Chambers, 220 East Morris Avenue (2430 South), South Salt Lake City, Utah 84115. Motion to adjourn made by Board Member Humphreys, motion seconded by Board Member Miller, motion carried and the meeting adjourned.